

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DONNIE WILBURN,)
Petitioner,)
v.) Case No. CIV-11-116-JHP-KEW
EMMA WATTS, Warden,)
Respondent.)

OPINION AND ORDER
DENYING CERTIFICATE OF APPEALABILITY

On this date the court dismissed petitioner's petition for a writ of habeas corpus for his failure to show cause why the respondent's motion to dismiss should not be granted. After a careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

See also 28 U.S.C. § 2253(c).

ACCORDINGLY, petitioner is denied a certificate of appealability. *See* Rule 11(a) of the Rules Governing Section 2254 Cases. *See also* *Montez v. McKinna*, 208 F.3d 862, 867 (10th Cir. 2000) (holding that "a state prisoner must obtain a COA to appeal the denial of a habeas petition, whether such petition was filed pursuant to § 2254 or § 2241").

ORDERED this 23rd day of July, 2014.


James H. Payne
United States District Judge
Eastern District of Oklahoma

